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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,500	03/30/2000	Brian Philip Mathews	30566.80USU1	8400

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EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,500

Applicant(s)

MATHEWS ET AL.

Examiner

Eduardo Garcia-Otero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2000 and 03 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION: Non-Final (first action on the merits)

Introduction

1. Title is: METHOD AND APPARATUS FOR PROVIDING ACCESS TO DRAWING INFORMATION.
2. First named inventor is: MATHEW.
3. Priority is claimed to US Provisional Application 60/132,057 filed 30 April 1999.
4. Claims 1-15 have been submitted, examined, and rejected.

Index of Prior Art

5. **Shumaker** refers to "AutoCAD and its applications" by Terence M. Shumaker et. al., The Goodheart-Willcox Company, Inc., 1998, pages 267, 268, and 277.
6. **Walker** refers to US Patent 6,057,929.
7. **Gluck** refers to US Patent 5,911,776.
8. **Bodin** refers to US Patent 6,604,106.

Request for Information

9. The Examiner requests copies of the following publications because they appear to be especially germane to the claimed invention.
10. The Examiner requests: a copy of the **AutoCAD User's Manual** (or equivalent document) which was published or released to the public in March 1998. Note that March 1998 is more than 1 year before the 30 April 1999 filing date of US Provisional Application 60/132,057. Thus, said User's Manual may be 35 USC 102(b) type prior art for the present application.

Claim Rejections - 35 USC § 112- first paragraph- written description

11. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
12. **Claim 1 is rejected under 35 U.S.C. 112, first paragraph**, as containing subject matter which was not described in the disclosure in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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13. Claim 1 states “**complex property and tag-based inquiries**”. The term “complex property” is not clearly described. It is not clear which properties are complex, and which are not complex.
14. Similarly, the term “tag-based” is not clearly described. The term “tag” has many definitions, for example, according to Microsoft Computer Dictionary 1998: “one or more characters containing information about a file, record type, or other structure”, or “a key or an address that identifies a record and its storage location in another file”, or “a code that identifies an element in a document”, or “An early-generation raster graphics format”. It is not clear which definition is intended.

Claim Rejections - 35 USC § 112-Second Paragraph-indefinite claims

15. The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
16. **Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
17. Claim 1 states “**complex property and tag-based inquiries**”. The term “complex property” is indefinite. It is not clear which properties are complex, and which are not complex.
18. Similarly, the term “tag-based” is indefinite. The term “tag” has many definitions, for example, according to Microsoft Computer Dictionary 1998: “one or more characters containing information about a file, record type, or other structure”, or “a key or an address that identifies a record and its storage location in another file”, or “a code that identifies an element in a document”, or “An early-generation raster graphics format”. It is not clear which definition is intended.

Claim Interpretation

19. **The claim language is interpreted in light of the specification.** Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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20. Claim 1, the preamble term “**computer implemented system**” is interpreted as a “**machine**”, per the statutory categories of 35 USC 101. This interpretation also applies to “system” claims 2-5. See MPEP 2106 regarding software.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
22. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: Determining the scope and contents of the prior art. Ascertaining the differences between the prior art and the claims at issue. Resolving the level of ordinary skill in the pertinent art. Considering objective evidence present in the application indicating obviousness or nonobviousness.
23. **Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable.**
24. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker.
25. Claim 1 is an independent “computer implemented system” claim with 4 limitations, labeled A-D by the Examiner for convenience.
26. A-a **drawing file** is disclosed at Shumaker page 267 “AutoCAD drawing files are composed of vectors. A raster file defines objects by the location and color of the screen pixels. Rasterfiles are usually called bitmaps... You can work with raster files using the Image dialog box. Some of the most common raster files used in industry today are the followint: .GIF (Graphics Interchange Format)... .PCX (Personal Computer Exchanged)... .TIF (Tagged Image File Format)... .BMPPCTJPGFLD or .FLI”, and at page 277 “A vector file contains objects defined by XYZ coordinates. Auto CAD allows you to work with several different vector files using the Export Data and Import File dialog boxes. The most common is the AutoCAD drawing file (.dwg). Other vector file types are .dxf, .3ds, .wmf, and .sat”.

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27. **B-an information extraction server component configured to provide information relating to the drawing file from a group of information comprising file size, date, and author** is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled “Details”, and the description “Pick to view information about the image”.
28. **C-a search server component configured to provide a query engine that allows complex property and tag-based inquiries of the drawing file** is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled “Details”, and the description “Pick to view information about the image”.
29. Shumaker does not expressly disclose the remaining limitation.
30. **D-a conversion server component configured to transform the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file** is disclosed at Walker at column 3 lines 46-62, “The file format of the drawing file 17 and the image characteristic data file 18 vary according to, and are determined by, the architect's drafting software and the printer system that generates the prints. To provide greater uniformity, the present invention initially converts the drawing file to a neutral data file format, as indicated by step 12, in FIG. 2. In the preferred embodiment, the neutral data file is created using the Page Masters Apprentice Software Program, although several other commercially available programs could be used to create a neutral data file. Accordingly, the system converts the drawing file format to the Page Masters Apprentice file format. Page Masters Apprentice files are denoted by a VIC file extension. While the .VIC extension is used on the preferred embodiment, the extension is arbitrary and may be easily changed, for example, .AEC could be used. The conversion of the drawing file to the neutral format is transparent to the reprographer.”
31. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49.
32. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker and Bodin.
33. Claim 2 depends from Claim 1, with 1 additional limitation.

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34. Shumaker does not expressly disclose the remaining limitation.
35. **“an active server page (ASP) that interacts with one or more of the server components to obtain requested information in a graphical user interface on a web browser”** is disclosed Bodin at column 3 lines 36-47, “A representative Web server 12 is an IBM Netfinity server comprising a RISC-based processor 18, the AIX.RTM. operating system 20 and a Web server program 22, such as Netscape Enterprise Server. The server 12 also includes a display 24 supporting a graphical user interface (GUI) for management and administration, and an Application Programming Interface (API) 23 that provides extensions to enable application developers to extend and/or customize the core functionality thereof through software programs including Common Gateway Interface (CGI) programs, plug-ins, servlets, active server pages, server side include (SSI) functions or the like.”
36. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker and Bodin to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49, and to manage and administrate files inexpensively and quickly over the internet and “improving the manner in which such content is served in response to client requests” according to Bodin column 1 line 11.
37. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker and Bodin.
38. Claim 3 depends from Claim 1, with 1 additional limitation.
39. Shumaker does not expressly disclose the remaining limitation.
40. **“the conversion component is cached”** is disclosed by Bodin at column 6 line 62 “cache”.
41. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker and Bodin to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49, and to cache frequently used data or instructions in order to speed the processing of data.
42. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker and Guck.
43. Claim 4 depends from Claim 1, with 1 additional limitation.

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44. Shumaker does not expressly disclose the remaining limitation.
45. **“search server component utilizes an index server that interacts with one or more drawing filters to filter and retrieve information”** is disclosed by Guck at column 4 line 7-16, “The server module... provides a database repository for all documents, together with the ability to index and search the documents with a powerful search engine”.
46. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker and Guck to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49, and to efficiently manage the database files and their related information.
47. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker.
48. Claim 5 depends from Claim 1, with 1 additional limitation.
49. **“the drawing file is stored in DWG file format”** is disclosed by Shumaker at page 277 “A vector file contains objects defined by XYZ coordinates. Auto CAD allows you to work with several different vector files using the Export Data and Import File dialog boxes. The most common is the AutoCAD drawing file (.dwg). Other vector file types are .dxf, .3ds, .wmf, and .sat”.
50. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49.
51. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker.
52. Claim 6 is an independent “method” claim with 3 limitations, labeled A-C for convenience. Note that the limitation of claim 6 are very similar to the limitations of claim 1, except that claim 6 does not claim “a drawing file” as a separate limitation.
53. **A-obtain information relating to the drawing file from a group of information comprising file size, date, and author** is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled “Details”, and the description “Pick to view information about the image”.

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54. **B-a search server component configured to provide a query engine that allows complex property and tag-based inquiries of the drawing file** is disclosed at Schumaker page 268 Figure 13-2, particularly the button labeled “Details”, and the description “Pick to view information about the image”.
55. Shumaker does not expressly disclose the remaining limitation.
56. **C-transforming the drawing file from one drawing file format to another drawing file format without accessing the application that created the drawing file** is disclosed at Walker at column 3 lines 46-62, “The file format of the drawing file 17 and the image characteristic data file 18 vary according to, and are determined by, the architect's drafting software and the printer system that generates the prints. To provide greater uniformity, the present invention initially converts the drawing file to a neutral data file format, as indicated by step 12, in FIG. 2. In the preferred embodiment, the neutral data file is created using the Page Masters Apprentice Software Program, although several other commercially available programs could be used to create a neutral data file. Accordingly, the system converts the drawing file format to the Page Masters Apprentice file format. Page Masters Apprentice files are denoted by a VIC file extension. While the .VIC extension is used on the preferred embodiment, the extension is arbitrary and may be easily changed, for example, .AEC could be used. The conversion of the drawing file to the neutral format is transparent to the reprographer.”
57. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Walker to modify Shumaker. One of ordinary skill in the art would have been motivated to do this “To provide greater uniformity” according to Walker column 3 line 49.
58. Claim 7 presents the same additional limitation as claim 2 (graphical user interface and ASP), and is rejected for the same reasons.
59. Claim 8 presents the same additional limitation as claim 3 (caching the conversion component), and is rejected for the same reasons.
60. Claim 9 presents the same additional limitation as claim 4 (index server), and is rejected for the same reasons.

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61. Claim 10 presents the same additional limitation as claim 5 (DWG file format), and is rejected for the same reasons.
62. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shumaker in view of Walker.
63. Claim 11 is an independent "article of manufacture embodying logic for performing a method" claim with 3 limitations. This claim is interpreted as a "manufacture" according to the statutory categories of 35 USC 101, and includes articles such as optical compact disks with programs.
64. Claim 11 has the same 3 limitations as claim 6, and is rejected for the same reasons.
65. Claim 12 presents the same additional limitation as claim 2 (graphical user interface and ASP), and is rejected for the same reasons.
66. Claim 13 presents the same additional limitation as claim 3 (caching the conversion component), and is rejected for the same reasons.
67. Claim 14 presents the same additional limitation as claim 4 (index server), and is rejected for the same reasons.
68. Claim 15 presents the same additional limitation as claim 5 (DWG file format), and is rejected for the same reasons.

Conclusion

69. All claims stand rejected.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 703-305-0857. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 7:00 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone numbers for this group are: (703) 746-7238 --- for communications after a Final Rejection has been made; (703) 746-7239 --- for other official communications; and (703) 746-7240 --- for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.

Russell Frejd
RUSSELL FREJD
PRIMARY EXAMINER